

5/21 3:38p

Chapter No. 82
10/HR03/A450SG
jab / js

HOUSE BILL NO. 1634

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1634

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL
YEAR 2011.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be
necessary, is hereby appropriated out of any money in the State
General Fund not otherwise appropriated, for the support and
maintenance of the Department of Marine Resources for the fiscal
year beginning July 1, 2010, and ending June 30, 2011
..... \$ 1,362,132.00.

SECTION 2. The following sum, or so much thereof as may be
necessary, is hereby appropriated out of any money in any special
fund in the State Treasury to the credit of the Department of
Marine Resources for the fiscal year beginning July 1, 2010, and
ending June 30, 2011 \$ 9,847,196.00.

Of the funds appropriated in this section, Three Million
Fifty Thousand Dollars (\$3,050,000.00) is derived from the state
excise taxes upon gasoline, oil and other petroleum products.

SECTION 3. Of the funds appropriated under the provisions of
this act, not more than the following amount shall be expended for
Salaries, Wages and Fringe Benefits \$ 8,148,737.00

FUNDING:

General Funds	\$ 1,362,132.00
Federal Funds	\$ 5,297,196.00
Other Special Funds	\$ <u>4,550,000.00</u>
Total	\$ 11,209,328.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	124
	Part Time	0
Time-Limited:	Full Time	15
	Part Time	3

Each Marine Conservation Officer and Supervisor shall be furnished an allowance for uniforms not to exceed Six Hundred Dollars (\$600.00) per annum.

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or

any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

SECTION 4. It is the intention of the Legislature that the Department of Marine Resources shall maintain complete accounting and personnel records related to the expenditure of all funds

appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2011 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2010 budget request process.

SECTION 5. It is the intention of the Legislature that the Department of Marine Resources shall have the authority to receive, budget and expend funds from any source that may become available to the department in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 6. In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Tidelands Fund No. 3452 to the Department of Marine Resources for the purpose of defraying the expenses of the tidelands projects for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 7,000,000.00.

Of the funds appropriated within this section, One Million One Hundred Thousand Dollars (\$1,100,000.00) shall be designated for the Deer Island payment and Nine Hundred Thousand Dollars (\$900,000.00) shall be designated to payments. The remaining balance shall be allocated as follows:

Department of Marine Resources Programs,
 Management and Matching \$ 1,805,000.00
 Access Projects \$ 3,195,000.00

Access Projects are listed as follows:

Project #	Project Name	Project Amount
FY11-P01A	Bay St. Louis Municipal Marina	\$ 350,000
FY11-P02A	Point Cadet Marina Expansion	\$ 200,000
FY11-P03A	Biloxi Lighthouse Park and Visitor	

	Center	\$	200,000
FY11-P05A	D'Iberville Marina Working/ Waterfront Project	\$	175,000
FY11-P06A	Bert Jones Yacht Basin	\$	200,000
FY11-P07A	Long Beach Harbor Improvements	\$	150,000
FY11-P11A	Ocean Springs Boat Trailer Parking	\$	100,000
FY11-P09A	Ocean Springs Highway 90 Boat Ramp	\$	100,000
FY11-P15A	Pascagoula Boardwalk Access on Lowry Island	\$	100,000
FY11-P16A	Pass Christian Harbor	\$	200,000
FY11-P17A	Waveland Pier/Marina Improvements	\$	150,000
FY11-P18A	Beach Blvd. Pedestrian Pathway	\$	150,000
FY11-P22A	Washington Street Pier and Waterfront Park	\$	150,000
FY11-P26A	Phase II Henderson Point Boat Launch & Pier	\$	100,000
FY11-P24A	Tuxachanie Parking/Pier	\$	100,000
FY11-P31A	Octavia Boat Launch Ramp, Pier and Parking	\$	100,000
FY11-P32A	Ocean Springs Harbor Bulkhead Replacement	\$	100,000
FY11-P39A	MSGCCC - EEC Infrastructure maintenance	\$	70,000
FY11-P44A	Restoration of Biloxi Oyster Schooners	\$	100,000
FY11-P34A	Old Spanish For Pier Project	\$	100,000
FY11-P23A	Hwy 603 Bayou La Croix Boat Launch	\$	300,000
	Total	\$	3,195,000

Each political subdivision receiving funds authorized in this section shall be held responsible for complying with Section 29-15-9, Mississippi Code of 1972, and shall be subject to an audit by the State Auditor and shall submit detailed reports

beginning June 30, and every six (6) months thereafter for the duration of the project to the Department of Marine Resources on how funds authorized in this section were expended.

It is the intention of the Legislature that any political subdivision seeking to qualify for tidelands funds for the subsequent fiscal year shall submit a proposal to the Department of Marine Resources no later than July 1, 2010. All proposals submitted will be reviewed and evaluated by the Department of Marine Resources in accordance to department plans and procedures. Multiphased projects, multiyear projects, proposed projects with high dollar value and projects that have a record of stacking funds should be considered as low priority projects when evaluated.

SECTION 7. It is the intention of the Legislature that the commission shall place any special trust funds appropriated to the department in a special trust fund and the interest earned on the principal shall be credited to the special trust fund. Monies in the fund at the end of the fiscal year shall be retained in the special trust fund for use in the next succeeding fiscal year. The department may use the interest earned on the fund to pay reasonable costs for administering the fund and related projects.

SECTION 8. It is the intention of the Legislature that the Department of Marine Resources has the authorization to move tidelands funds between approved projects upon request from entity and proper completion of Form TTF-6 documentation.

SECTION 9. It is the intention of the Legislature that the Secretary of State's Office shall not reserve more than five percent (5%) of the total tidelands funds collected for administrative purposes. Said five percent (5%) cap shall be exclusive of any costs of litigation related to the tidelands that may be incurred by the Secretary of State.

SECTION 10. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the

purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 11. It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multi-family residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

SECTION 12. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 13. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

- (a) Develop goals and desired result for a campaign.
- (b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 14. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 15. No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year

without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 16. It is the intention of the Legislature that tidelands funds not otherwise appropriated shall be used for additional funding of tidelands projects and the administration thereof by the Department of Marine Resources. Expenditures of excess tidelands funds by the Department of Marine Resources for supplemental and additional funding and administration of tidelands projects heretofore or hereafter proposed is authorized and approved. The Department of Marine Resources may escalate the Tidelands Fund for the purposes outlined in this section.

SECTION 17. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 18. This act shall take effect and be in force from and after July 1, 2010.

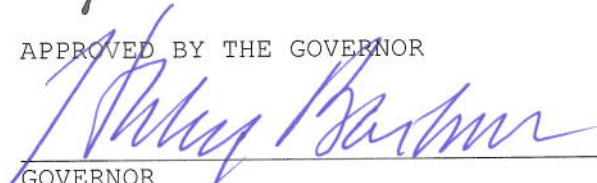
PASSED BY THE HOUSE OF REPRESENTATIVES
April 22, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 21, 2010


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
5/21/10 R:38p